PTC/SB/21 (09-04)
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o a collection of Information unless it displays a validation of information unless. tion of Information unless it displ Under the Paperwork Reduction Act of 1995, no persons are required to respond to a co CENTRAL FAX CENTER Application Number 09/698,526 Filing Date April 18, 2000 TRANSMITTAL apr 2 1 2000 First Named Inventor Vassilovski et al. **FORM** Art Unit 2193 Examiner Name Wood, William H. (to be used for all correspondence after initial filing) Attorney Docket Number 990301 Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board 1 Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Briof, Raply Briof) Petition * Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer below): Extension of Time Request Petition for Revival of an Application Request for Refund Express Abandonment Request for Patent Abandoned Unintentionally under 37 CFR 1.137(b); Exhibit A and CD, Number of CD(s) Information Disclosure Statement Exhibit B. Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 Customer No. 23696 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Qualcomm Incorporated Signature <u>~~</u>o Printed name Dang M. Vo Reg. No. Date 45,183 April 21, 2006 CERTIFICATE OF TRANSMISSION/MAILING I hereby cartify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450 on the date shown below: Signature Date April 21, 2006 Sara R. Hart Typed or printed name This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual cabe. Any comments on the amount of time you require to complete this form and/or auggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

4/21/2006
(Date of Deposit)
Sara R. Hart
Name of the Person Making the Deposit)
Sural Hart
(Signature)

Payment of fee:

amount of \$1,500.00

duplicate of this sheet is enclosed.

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RECEIVED This application became abandoned unintentional. CENTRAL FAX CENTER APR 2 1 2006 Proposed reply: was faxed to the USPTO on December 28, 2005. is attached. The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application. Fee (37 CFR 1.17(m)) Application status is: small entity - fee \$750.00. Verified Statement attached. Verified Statement filed. other than small entity - fee \$1,500.00.

Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated in the

∑ The Commissioner is further hereby authorized to charge to said Deposit Account

pendency of this application without specific additional authorization.

The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17-0026. A

No. 17-0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire

> 09698526 04/26/2006 TL0111 00000867 170026 1500.00 DA 91 FC:1453

CASE HISTORY

- 01.14.2004 A Final Office Action was mailed to the Applicants. 1.
- 04.18.2004 A first reply responding to the Final Office Action was faxed to the 2. USPTO.
- 05.05.2004 An Advisory Action was mailed to Applicants indicating that the first reply 3. fails to place the application in condition for allowance.
- 05.26.2004 A telephonic interview was held. 4.
- 05.27.2004 A second reply responding to the Final Office Action was faxed to the 5. USPTO. In such second reply, Applicants amended the claims and believed that such amendments would place the application in condition for allowance in light of the telephonic interview with the Examiner. Regarding Applicants' faxing of the second reply to the USPTO, Applicants do have a confirmation from Applicants' fax machine but does not have any confirmation from the USPTO regarding its receipt of the second reply.
- 06.16.2004 An Interview Summary was mailed to Applicants. 6.
- 09.15.2004 The Examiner called Applicants indicating that the application has been 7. abandoned. During the call, the Examiner also stated that the Examiner did not receive the second reply, which Applicants had faxed to the Examiner on 05.27.2004. Thus, at this time, Applicants believed that the application was incorrectly abandoned because [1] the Examiner did not receive the second reply and [2] Applicants still believed that the amended claims in the second reply would place the application in condition for allowance.
- 09.17.2004 Based on the verbal notification by the Examiner that the application has 8. been abandoned, Applicants filed a first Petition to Withdraw Holding of Abandonment because, at that time, Applicants believed that the application was incorrectly abandoned for the following reasons: [1] the second reply might have been misplaced once it was received by the USPTO and [2] Applicants still believed that the amended claims in the second reply would place the application in condition for allowance. In such petition, Applicants also included the confirmation from Applicants' own fax machine to show that the second reply had been faxed by Applicants and that the USPTO should have received it.

- 03.22.2005 A Notice of Abandonment was mailed to Applicants. In such notice, the 9_ Examiner indicated that the first reply (see above Statement 1) and the second reply (see above Statements 5 and 8) had been considered by the Examiner but both of such replies still fail to place the application in condition for allowance. Accordingly, Applicants had failed to timely respond to the Final Office Action dated 01.14.04.
- 04.05.2005 Applicants filed [1] a Request for Continued Examination (RCE) and [2] a second Petition to Withdraw Holding of Abandonment by presenting similar facts as those being presented in the first Petition to Withdraw Holding of Abandonment (see Statement 8). Applicants now, i.e., as of 04.21.2006, realize that, instead of filing the second Petition to Withdraw Holding of Abandonment, Applicants should have filed a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b).
- 06.30.2005 In response to Applicants' filing of the RCE and the second Petition to 11. Withdraw Holding of Abandonment, a Non-Final Office Action was improperly mailed to Applicants in light of Statement 10. The USPTO should have mailed a decision denying Applicants' second Petition to Withdraw Holding of Abandonment.
- 12.28.2005 A reply responding to the Non-Final Office Action was faxed to USPTO. 10. Applicants would like to note that Applicants should have known that the application had been abandoned but respectfully submit that Applicants did not realize its abandonment at this time especially in light of receiving the Non-Final Office Action from the USPTO.
- 03.09.2006 A telephonic conversation between the Examiner and Applicants' 11. representative Peng Zhu (Reg. No. 48,063) occurred during which the parties discussed the history of this application especially regarding its abandonment.
- 03.24.2006 A decision denying Applicants' second Petition to Withdraw Holding of 12. Abandonment was mailed to Applicants.

T-002 P 005/031 F-362

<u>REMARKS</u>

Based on the case history discussed above, this petition to revive the unintentionally abandoned application is in compliance with 37 C.F.R. §1.137. The undersigned respectfully requests that all papers of record, except for the Petition to Withdraw Holding of Abandonment, filed between April 5, 2005 and December 28, 2005 be re-instated and that prosecution be continued. Enclosed are copies of the items filed between April 5, 2005 and December 28, 2005 identified as Exhibit A and Exhibit B.

The undersigned declares further that all statements made herein are of his or her own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:

Respectfully submitted,

(858) 845-2116

Dated: 4/21/06

QUALCOMM Incorporated Attn: Patent Department 5775 Morehouse Drive

San Diego, California 92121-1714 (858) 658-5787 Telephone:

Facsimile:

(858) 658-2502

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Confirmation Report - Memory Send

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April <u>5</u> 2005

TO:

Commissioner for Patents

ATTN:

Examiner: William H Wood Art Unit: 2124

FAX NUMBER: (703) \$72-9306

FROM:

Abdollah Katbab, Arromey for Applicant Registration No. 45,325

Total Number of Pages Sent: 15

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ATTOPNEY DOCKET NO.; 990301 ENCLOSIO AREI

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Applicant: Various and Tody Assignese Qualcomm ideationated Serial No. 19469436 Filipi Ogeder 26, 2000 Por: Metroo And Apparatus for Condiguration Management For a Computing Device

Please contact Carrie Casey at (858) 845-0157 if all pages do not transmit.

Special Instructions: This Message is intended only for the use of the individual to whom it is addressed and contains information that is privileged, confidential and exempt from disclosure under of privileged, confidential and exempt from disclosure under of the applicable Law. If the reader of this message is not the intended recipient, of the employee or agent responsible for delivering the message to the intended recipient, you are horsely notified that any discensination, discribition or copying of this communication is strictly problemed. If you have received this communication in error, please notify us immediately. Thank you!

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T-002 P.009/031 F-362 858-845-2550 Patent and Trademark Office PATENT

P.O. Box 1450 Alexandria, VA 22313-1450

> REQUEST FOR

CONTINUED EXAMINATION (RCE) TRANSMITTAL

Sumerzion (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application Filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	D9/698,526
Filing Date	October 26, 2000
First Named Inventor	Dan Vassilovski
Group Art Unit	2124
Examiner Name	William H. Wood
Attorney Docket Number	990301

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 31 C.P.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider fiting a combined provered on application (CFR.) is 1.500 (PTO/SM/29) Largest of a RCE to be rigible for the patent term adjustment provisions of the APA-Sec Changes to Application Examination and Provisional Application Practice, Pinal Rule, 63 Fed. Reg. 50002 (Avg. 16, 2000); Interim Rule, 43 Ped. Reg. 14865 (Mar. 30, 2000), 1213 Off. Gaz. Pat. Office 17 (Apr. 11, 2000), which estimated RCB practice.

1.	Sub a. b.	mission required under 37 C.F.R. § 1.114 Previously submitted i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. Other Enclosed i. Amendment/Reply ii. Affidavit(s)/Declaration(s) iii. Information Disclosure Statement (IDS) iv. Other				
2.	Mi: a. b.	Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 manths; Fee under 37 C.F.R. § 1.17(I) required) Other Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)				
3.	Fer a. b.	The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 which the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 17-0026 RCE fee required under 37 C.F.R. § 1.17(e) Extension of time fee (37 C.F.R. §§ 1.136 and 1.117) Check in the amount of \$ enclosed Payment by credit card (form PTO-2038 enclosed)				
느	_	SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED				
Da	ite	April 5, 2005 Signature Abdollah Kathab, Reg. No. 45,325 (858)651-4132				
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	Name (Print Type) Cartie Gasey					
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San Diego, California 92121-1714 Telephone:

Facsimile:

(858) 658-5787

(858) 658-2502

REQUEST FOR

CONTINUED EXAMINATION (RCE)

TRANSMITTAL Subsection (b) of 35 U.S.C. & 132, effective on 6 kg 29, 2000,

providus for continues manipulous of an etitity or intert application Filed un or after June 8, 1995. See The American lavoritors Protection Act of 1999 (AIPA).

09/698,526
October 26, 2000
Dan Vassilovski
2124
William H. Wood
990301

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is directive on May 29, 2009. If we above-identified application was first prior to May 29, 2000, applicant way wish to consider films a continued protection of under 15 C.F.R. § 1.344; (PTOSSETS) larged of a RCE to display for the patent serm adjustment prohibits of the AIPA. See Classica to Application Extension and Provisional Application Processe, Final Rule, 65 Fed. Rug. 30092 (Aug. 16, 2000); Interior Rule, 65 Fed. Rug. 14863 (Mar. 20, 2000), 1233 Off. Caper. (I., 2000), which attended RCE practice.

1.	Sub a. b.	Dission required under 37 C.F.R. § 1.114 Previously submitted i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. Other Enclosed i. Amendment/Reply ii. Affidavit(s)/Declaration(s) iii. Information Disclosure Statement (IDS) Other				
2.	Mis a. b.	scellaneous Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months: Fee under 37 C.F.R. § 1.17(1) regulared) Other Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)				
3.	Fee a. b. c.	The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 which the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 17-0026 i. RCE fee required under 37 C.F.R. § 1.17(e) ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.117) iii. Other Check in the amount of \$ enclosed Payment by credit card (Form PTO-2038 enclosed)				
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San Diego, California 92121-1714 Telephone:

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(858) 658-2502

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)	METHOD AND APPARATUS FOR
Vassilovski and Tong)	CONFIGURATION MANAGEMENT FOR A
Serial No. 09/698,526)	COMPUTING DEVICE
Filed: October 26, 2000)) Group No.	2124

AMENDMENT

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants request the above-identified application be amended as follows:

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name:

(type or print name)

Date: May 27, 2004

FACSIMILE

Transmitted by fuosimile to the Patent and Trademark Office on April 5, 2005.

Depositor's Name: Carrie Casey

Signama

(ypd or print name)

IN THE CLAIMS

Please amend the claims as follows:

 (Currently Amended) A method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to <u>update a</u> resident software within said computing device through an interface;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

loading updating said resident software with said available software into said storage device if said resident software has not been authenticated; and

setting an authentication flag if <u>said resident software</u> is not <u>authenticated but</u> said available software is authenticated.

2. (Currently Amended) A method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device through an interface;

determining whether or not <u>said</u> resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

loading updating said resident software with said available software if one of the following three conditions is met:

- (1) said resident software is authenticated and said available software is are authenticated.
 - (2) said resident software and said available software are not authenticated.
- (3) said resident software is not authenticated but said available software is authenticated.
- (Previously Presented) The method of claim 2 wherein said determining whether or not said resident software is authenticated comprises of:

determining whether or not an authentication flag has been set;

wherein said resident software is determined to be authenticated if an authentication flag has been set; otherwise

said resident software is determined to be unauthenticated.

- 4. (Currently Amended) The method of claim 3 wherein said authentication flag is set when <u>said</u> authenticated software is loaded onto said computing device <u>if said</u> resident software is not authenticated but said available software is authenticated..
- 5. (Previously Presented) The method of claim 4 wherein said authentication flag is set by a service technician.
- 6. (Previously Presented) The method of claim 2 wherein said determining whether or not said resident software is authenticated comprises of performing a direct authentication procedure on said resident software.
- 7. (Previously Presented) The method of claim 6 wherein said performing a direct authentication procedure comprises performing a cyclic redundancy check.
- 8. (Previously Presented) The method of claim 6 wherein said performing a direct authentication procedure comprises performing a secure hashing algorithm.
- (Currently Amended) An apparatus for performing configuration management for a computing device, comprising:

an interface for providing available software to be loaded into said computing device to update a resident software within said computing device;

a storage device for storing <u>said</u> resident software and a set of executable computer instructions for determining whether or not said available software and said resident software are authenticated;

a processor for executing said set of executable computer instructions and for: leading updating said resident software with said available software into said computing device if said resident software is not authenticated; and

setting an authentication flag if said resident software is not authenticated but said available software is authenticated.

10. (Currently Amended) An apparatus for performing configuration

management for a computing device, comprising:

an interface for providing available software to be loaded into said computing device to update a resident software within said computing device;

a storage device for storing <u>said</u> resident software and a set of executable computer instructions for determining whether or not said available software and said resident software are authenticated;

a processor for executing said set of executable computer instructions and for:

rejecting said available software if said resident software has been authenticated and said available software is not authenticated; and

loading updating said resident software with said available software if one of the following three conditions is met:

- (1) said resident software is authenticated and said available software is are authenticated,
 - (2) said resident software and said available software are not authenticated,
- (3) said resident software is not authenticated but said available software is authenticated.
 - 11. (Previously Presented) The apparatus of claim 10 wherein:

said storage device is further for storing an authentication flag for indicating the authentication status of said computing device; and

said processor is further for determining whether or not said resident software is authenticated based on said authentication flag.

- 12. (Currently Amended) The apparatus of claim 11 wherein said authentication flag is set when <u>said</u> authenticated software is loaded onto said computing device <u>if said</u> resident software is not authenticated but said available software is authenticated.
- 13. (Currently Amended) The apparatus of claim 12[[1]] wherein said authentication flag is set by a service technician.
- 14. (Previously Presented) The apparatus of claim 10 wherein said processor is further for performing a direct authentication procedure on said resident software to determine whether or not said resident software is authenticated.

- (Previously Presented) The apparatus of claim 14 wherein said performing a 15. direct authentication procedure comprises performing a cyclic redundancy check.
- (Previously Presented) The apparatus of claim 14 wherein said performing a 16. direct authentication procedure comprises performing a secure hashing algorithm.
- (Currently Amended) An apparatus for configuration management for a computing device, comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device through an interface;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for loading updating said resident software with said available software into said storage device if said resident software has not been authenticated; and

means for setting an authentication flag if said resident software is not authenticated but said available software is authenticated.

18. (Currently Amended) An apparatus for implementing a method for configuration management for a computing device, comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device through an interface;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

means for loading updating said resident software with said available software if one of the following three conditions is met:

- (1) said resident software is authenticated and said available software is are authenticated,
 - (2) said resident software and said available software are not authenticated,
- (3) said resident software is not authenticated but said available software is authenticated.

19. (Currently Amended) A computer-readable medium embodying codes for implementing a method for configuration management for a computing device, the method comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device through an interface;

determining whether or not <u>said</u> resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

loading updating said resident software with said available software into-said storage device if said resident software has not been authenticated; and

setting an authentication flag if said resident software is not authenticated but said available software is authenticated.

20. (Currently Amended) A computer-readable medium embodying codes for implementing a method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to <u>update a</u> resident software within said computing device through an interface;

determining whether or not <u>said</u> resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

loading updating said resident software with said available software if one of the following three conditions is met:

- (1) said resident software is authenticated and said available software is are authenticated.
 - (2) said resident software and said available software are not authenticated,
- (3) said resident software is not authenticated but said available software is authenticated.

REMARKS

Claims 1-20 are pending in the present application. In the above amendments, claims 1, 2, 4, 9-10, 12-13 and 17-20 have been amended. Therefore, after entry of the above amendments, claims 1-20 will be still pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

1. Rejection under 35 U.S.C. Section 102(e)

The Examiner rejected Claims 2-3, 5-6, 10-11, 13-14, 18, and 20 are being allegedly anticipated by U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Per Claims 2, 10, 18, and 20, Applicants respectfully submit that Shaw does not disclose "updating said resident software with said available software if one of the following three conditions is met: (1) said resident software and said available software are authenticated, (2) said resident software and said available software are not authenticated, or (3) said resident software is not authenticated but said available software is authenticated," as now claimed. The support for this limitation is provided by FIG. 2, for example.

Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the Downloader 70 has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Furthermore, Shaw does not disclose "rejecting said available software if said resident software is authenticated and said available software is not authenticated." In col. 3, lie 66 to col. 4, line 5, only the resident program is checked, and if it is corrupt it would be updated. This is totally different from the above claimed limitations.

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

2. Rejection under 35 U.S.C. Section 103(a)

The Examiner rejected Claims 1, 4, 9, 12, 17 and 19 are being allegedly unpatentable over U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Shaw does not disclose "setting an authentication flag if said resident software is not authenticated and said available software is authenticated," for the reason that Shaw does not disclose "determining whether or not said available software is authenticated." Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the code has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: April 5_, 2005

Abdollah Katbab, Reg. No. 45,325

(858) 651-4132

QUALCOMM Incorporated Attn: Patent Department 5775 Morehouse Drive

Facsimile:

San Diego, California 92121-1714 Telephone: (858) 658-5787

(858) 658-2502

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Facsimile Transmittal

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December 28, 2003

TO:

Commissioner for Pate

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Evanibor: William II Wood Art Units 2124

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FROM:

Abdotlah Kathab, Attorney for Applicant Registration No. 45,325

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DATE:

December 28, 2005

TO

Commissioner for Patents

ATTN:

William H Wood Examiner: Wi Art Unit: 2124

FAX NUMBER: (703) 872-9306

Abdollah Katbab, Amornay for Applicant Registration No. 45,323

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ENCLOSED ARE:

Amendensky Truncollitzi (in duplicate) Apendinsky (8 pages)

APPLICANT: Valsiloyski and York ASSIGNIES: QUALCOMM Measpersted SEKAL NO. 1 99698,536 FILED: October 26, 2000 FOR: METHOD AND AFPARATUS FOR CONFIGURATION MANAGEMENT FOR A COMPITTING DEVICE

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T-002 P.022/031 F-362

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U.S. Department of Commerce Patent and Trademark Office PATENT

AMENDMENT TRANSMITTAL FORM

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Customer No.: 23696 Attorney Docket No.: 990301

In Re Application of: Vassilovski and Tong

Serial Number: 09/698,526 Filed: October 26, 2000 Examiner: William T. Hood Group Art Unit: 2124

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above identified application.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entity Fee	Fee Paid
Total*	12.	20	0	x \$50 =	\$0
Independent**	6	8	0	x \$200 =	\$0
Multiple Depend	dent Claim(s):	Yes 🖾 No		\$360	\$0
			ne Month	\$120	\$0
ÉΣ	TENSION FEES	□ T	wo Months	\$450	\$0
		⊠ T	hree Months	\$1020	\$1,020
	TERMINAL	DISCLAIMER		\$130	\$0
"If the number in c	olumn a is less than 20, column a is less than 3,	enter 0 in column c.	<u>. </u>	TOTAL FEE	\$1,020.00
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U.S. Department of Commerce Patent and Trademark Office PATENT

T-002 P.023/031

AMENDMENT TRANSMITTAL FORM

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Customer No.: 23696 Attorney Docket No.: 990301

In Re Application of: Vassilovski and Tong

Serial Number: 09/698,526 Filed: October 26, 2000 Examiner: William T. Hood Group Art Unit: 2124

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above identified application.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entity Fee	Fee Paid
Total*	12	20	0	x \$50 =	\$0
Independent**	6	8	0	x \$200 =	\$0
Multiple Depen	dent Claim(s):	Yes 🛭 No		\$360	\$0
			ne Month	\$120	\$0
EX	CTENSION FEES	П	wo Months	\$450	\$0
		×	hree Months	\$1020	\$1,020
	TERMINAL	DISCLAIMER		\$130	\$0
*If the number in c	olumn a is less than 20, column a is less than 3,	enter 0 in column c. enter 0 in column c.		TOTAL FEE	\$1,020.00
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APR 2 1 2006

Attorney Docket No. 990301

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Vassilovski and Tong Serial No. 09/698,526 Filed: October 26, 2000) For:))))) Group No.	METHOD AND APPARATUS FOR CONFIGURATION MANAGEMENT FOR A COMPUTING DEVICE
	AMENDMENT	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	AWENDWENT	·
Dear Sir:		
In response to the Office Actio	n dated June 30,	2005, Applicants hereby petition for a
two-month extension of time until De	ecember 30, 200	5. Please amend the above-identified
application as follows:		
CERTIFICATE OF M	IAILING/TRANSM	ISSION (37 CFR 1.8(2))
I hereby certify that this correspondence is, on		
MAILING		FACSIMILE
deposited with the United States Postal Se with sufficient postage as first class mail, envelope addressed to the Commissioner Patents, P.O. Box 1450, Alexandria, VA 2: 1450.	in an T r for 2313-	ransmitted by facsimile to the Patent and rademark Office on December 28, 2005.
Depositor's Name: (type or print name)	Signa	(type or print name) ture:
Date:		

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

updating said resident software with said available software if said resident software and said available software are has not been authenticated; and

setting an authentication flag if said resident software is not authenticated <u>but</u> and said available software is authenticated; and

updating said resident software if said resident software is not authenticated but and said available software is authenticated.

2. (Currently Amended) A method for configuration management for a computing device, comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

updating said resident software with said available software if one of the following three conditions is met:

- (1) said resident software and said available software are authenticated,
- (2) said resident software and said available software are not authenricated,
- (3) said resident software is not authenticated but said available software is authenticated
 - 3. (Previously Presented) The method of claim 2 wherein said determining

whether or not said resident software is authenticated comprises of:

determining whether or not an authentication flag has been set;

wherein said resident software is determined to be authenticated if an authentication flag has been set; otherwise

said resident software is determined to be unauthenticated.

- (Previously Presented) The method of claim 3 wherein said authentication 4. flag is set when said authenticated software is loaded onto said computing device if said resident software is not authenticated but said available software is authenticated.
- (Previously Presented) The method of claim 4 wherein said authentication 5. flag is set by a service technician.
- (Previously Presented) The method of claim 2 wherein said determining whether or not said resident software is authenticated comprises of performing a direct authentication procedure on said resident software.
- (Previously Presented) The method of claim 6 wherein said performing a direct authentication procedure comprises performing a cyclic redundancy check.
- (Previously Presented) The method of claim 6 wherein said performing a 8. direct authentication procedure comprises performing a secure hashing algorithm.
 - 9 20. (Canceled).
- (New) An apparatus for configuration management for a computing 21. device, comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for updating said resident software with said available software if said resident software and said available software are not authenticated;

means for setting an authentication flag if said resident software is not authenticated but said available software is authenticated; and

858-845-2550

Attorney Docket No. 990301

means for updating said resident software if said resident software is not authenticated but said available software is authenticated.

(New) An apparatus for configuration management for a computing device, 22. comprising:

means for providing available software to be loaded into said computing device to update a resident software within said computing device;

means for determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

means for determining whether or not said available software is authenticated;

means for rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

means for updating said resident software with said available software if one of the following three conditions is met:

- (1) said resident software and said available software are authenticated,
- (2) said resident software and said available software are not authenticated,
- (3) said resident software is not authenticated but said available software is authenticated.
 - (New) A computer-readable medium embodying instruction, which when 23. executed by a processor, implement a method for configuration management for a computing device, the method comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

updating said resident software with said available software if said resident software and said available software are not authenticated;

setting an authentication flag if said resident software is not authenticated but said available software is authenticated; and

updating said resident software if said resident software is not authenticated but said available software is authenticated.

(New) A computer-readable medium embodying instruction, which when 24.

executed by a processor, implement a method for configuration management for a computing device, the method comprising:

providing available software to be loaded into said computing device to update a resident software within said computing device;

determining whether or not said resident software stored in a storage device associated with said computing device is authenticated;

determining whether or not said available software is authenticated;

rejecting said available software if said resident software is authenticated and said available software is not authenticated; and

updating said resident software with said available software if one of the following three conditions is met:

- (1) said resident software and said available software are authenticated,
- (2) said resident software and said available software are not authenticated,
- (3) said resident software is not authenticated but said available software is authenticated.

REMARKS

Claims 1-20 are pending in the present application. In the above amendments, claims 1-2 have been amended, claims 9-20 are canceled, and new claims 21-24 are added. Therefore, after entry of the above amendments, claims 1-8 and 21-24 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

1. Rejection under 35 U.S.C. Section 102(e)

The Examiner rejected Claims 2-3, 5-6, 10-11, 13-14, 18, and 20 are being allegedly anticipated by U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Per Claims 2, 22, and 24, Applicants respectfully submit that Shaw does not disclose "rejecting said available software if said resident software is authenticated and said available software is not authenticated; updating said resident software with said available software if one of the following three conditions is met: (1) said resident software and said available software are authenticated, (2) said resident software and said available software are not authenticated, or (3) said resident software is not authenticated but said available software is authenticated," as now claimed. The support for this limitation is provided by FIG. 2, for example.

Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the Downloader 70 has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

Rejection under 35 U.S.C. Section 103(a)

The Examiner rejected Claims 1, 4, 9, 12, 17 and 19 are being allegedly unpatentable over U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully

traverse this rejection.

Per claims 1, 21, and 23, Applicants respectfully submit that Shaw does not disclose "updating said resident software with said available software if said resident software and said available software are not authenticated; setting an authentication flag if said resident software is not authenticated but said available software is authenticated; and updating said resident software if said resident software is not authenticated but said available software is authenticated." Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the code has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: December 28, 2005

By: Abdollah Contbas

Abdollah Katbab, Reg. No. 45,325

(858) 651-4132

QUALCOMM Incorporated

Attn: Patent Department 5775 Morehouse Drive

San Diego, California 92121-1714

Telephone:

(858) 658-5787

Facsimile:

(858) 658-2502